FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10603 OF 2004

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. K.K. Malpathak for petitioners.
Ms. P.P. Tendulkar for respondent nos.3 to 10.

CORAM: B.H. MARLAPALLE,J.

22/06/2007.

P.C.:

. RCS No. 1026 of 1995 was decreed by the learned 2nd Jt. Civil Judge, J.D. Thane by judgment and order dated 21/12/2000. Being aggrieved by the said decree, defendants filed Appeal No. 35 of 2001 before the District Court at Thane. The said Appeal was allowed by the lower Appellate Court vide its judgment and order dated 31/7/2004.

. The petitioners, therefore, have a statutory remedy of filing a Civil Revision Application under Section 115 of C.P.C. and as held by me in Writ Petition No. 4138 of 2006

vide the order dated 24/8/2006. When such a statutory remedy is available, a Writ Petition under Article 227 of the Constitution need not be entertained.

. Hence, the Writ Petition is disposed as such with liberty to the petitioners to file a Civil Revision Application and if such an application is filed within a period of two weeks from today, the period of pendency of this petition will be taken into consideration for condonation of delay, if any. Annexures be returned, if applied for.

(B.H. Marlapalle,J.)